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Attorney for Plaintiff BARRIE D. SANDY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARRIE D. SANDY, an individual,

Plaintiff,

v.

MARK C. McCLURE, an individual; PAULA  
R. WALLEM, an individual; JOY E.  
TARBELL, an individual, JOY TARBELL  
REALTY, LLC dba PRUDENTIAL JOY  
TARBELL REALTY, a New Hampshire limited  
liability company; MB EQUITY PARTNERS,  
LLC, a Delaware limited liability company;  
DOES 1 through 20,

Defendants.

) Case No. C 08-03052 SC

)  
) CERTIFICATE OF SERVICE OF SUMMONS,  
) COMPLAINT, AND OTHER CASE-RELATED  
) DOCUMENTS ON DEFENDANT MARK C.  
) McCLURE BY A REGISTERED PROCESS  
) SERVER

Attached is the Proof of Service of Summons and Complaint and Affidavit of Service on  
Defendant Mark C. McClure by a registered Massachusetts process server.

Respectfully submitted,

Dated: July 18, 2008



TREVOR G. JACKSON

Attorney for Plaintiff Barrie D. Sandy

AO 440 (Rev. 03/08) Civil Summons

# UNITED STATES DISTRICT COURT

for the

Northern District of California

BARRIE D. SANDY, an individual

Plaintiff

MARK C. McCLURE, an individual; PAULA R. WALLEM, an individual; JOY E. TARBELL, an individual; JOY TARBELL REALTY, LLC dba PRUDENTIAL JOY TARBELL REALTY, a New Hampshire limited liability company; MB EQUITY PARTNERS, LLC, a Delaware limited liability company; DOES 1 through 20

Defendants

Civil Action No.

CV 08

3052

## Summons in a Civil Action

To: MARK C. McCLURE

(Defendant's name)

SC

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Trevor G. Jackson, Esq.  
Law Office of Trevor G. Jackson  
707 Randolph Street, Suite 204  
Napa, California 94559

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JUN 23 2008

Date: \_\_\_\_\_

Richard W. Wieking

Name of clerk of court

[Signature]

Deputy clerk's signature

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

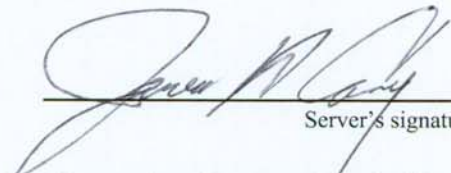
**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on Mark C. McClure,  
by:

- \*\* (1) personally delivering a copy of each to the individual at this place, Lombardo's Convention Center,  
6 Billings Street, Randolph, MA 02368 on 7-9-08 at 10:05 AM
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or
- (4) returning the summons unexecuted to the court clerk on \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: July 9, 2008

  
\_\_\_\_\_  
Server's signature

James A. Carey, Constable  
\_\_\_\_\_  
Printed name and title

1004 Pheasant La., Middleboro, MA 02346  
\_\_\_\_\_  
Server's address



**AFFIDAVIT OF SERVICE**

UNITED STATES DISTRICT COURT  
District of California

Case Number: C-08-03052 SC

Plaintiff:

**Barrie D. Sandy, an individual**

vs.

Defendant:

**Mark McClure, et al**

Received by MASS CONSTABLE SERVICE to be served on **MARK MCCLURE**, c/o Lombardo's Convention Center, 6 Billings St., Randolph, MA 02368.

I, James A. Carey, being duly sworn, depose and say that on the **9th day of July, 2008** at **10:05 am**, I:

Served a true and attested copy of the **U S District Summons in a Civil Action, Complaint for Breach of Contract, Common Counts: Negligence; Fraud; Professional Negligence; Breach of Fiduciary Duty; Intentional Infliction of Emotional Distress, Unjust Enrichment; Plaintiff's Certification of Interested Entities or Persons; Order Setting Initial Case Management Conference and ADR Deadlines; Clerk's Notice Re: Case Management Conference; Notice of Availability of Magistrate Judge to Exercise Jurisdiction; Form Re: Consent to Proceed Before A United States Magistrate Judge; Brochure entitled "Consenting to A Magistrate Judge's Jurisdiction In The Northern District of California; ECF Registration Information Handout; and U.S. District Court, San Francisco Guidelines** to **Mark McClure** in the following manner, by delivering in hand to **Mark McClure**. Said service was made at **Lombardo's Convention Center, 6 Billings St., Randolph, MA 02368**.

I certify that I am over the age of 18, have no interest in the above action.

Subscribed and Sworn to before me on the 10th day of July, 2008 by the affiant who is personally known to me

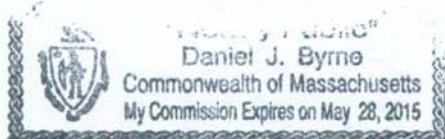
  
NOTARY PUBLIC

  
James A. Carey

Constable/Disinterested Person

**MASS CONSTABLE SERVICE**  
1004 Pheasant Lane  
Middleboro, MA 02346  
(508) 946-6914

Our Job Serial Number: 2008002419  
Ref: 117.00



**PROOF OF SERVICE**

I, Christina K. Alpi, hereby declare:

I am employed in the County of Napa, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 707 Randolph Street, Suite 204, Napa, California 94559.

On July 18, 2008, I served the foregoing document(s):

**CERTIFICATE OF SERVICE OF SUMMONS, COMPLAINT, AND OTHER  
CASE-RELATED DOCUMENTS ON DEFENDANT MARK C. McCLURE  
BY A REGISTERED PROCESS SERVER**

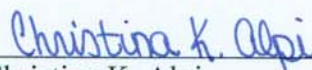
on the interested parties in said action by placing a true copy thereof in a sealed envelope(s) addressed as follows:

**MARK C. McCLURE  
147 Ridge Road  
Portland, ME 04103-4713  
*Defendant***

☒ (U.S. MAIL) by placing a true copy of the foregoing document(s) listed above in sealed envelopes with postage thereon fully prepaid, in the United States mail at Napa, California addresses as set forth below. I am readily familiar with the business' practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one date of deposit for mailing in affidavit.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose discretion the service was made and that the foregoing is true and correct.

Executed on July 18, 2008, at Napa, California.

  
Christina K. Alpi